THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 18864 of 2006

13-09-2006

Between:-

M. Basanth Reddy

Petitioner

And

The Special Deputy Collector, Land Acquisition (Industries), Hyderabad and six others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 18864 of 2006

Oral order:

The petitioner assails the order of the 1st respondent dated 05-09-2006 in Memo No. B/728/1996, whereby the petitioner's claim to similar benefits under G.O.Ms.No. 375 Ind. & Com. (INF) Deptt., dated 07-09-2002 (for short 'the G.O.') and for redelivery of possession of certain extents of land in survey Nos. 220 and 221 of Kapra village, Keesara mandal, Ranga Reddy district, was rejected.

For the establishment of the Nuclear Fuel Complex, large extents of land including in survey Nos. 220 and 221 of Kapra village were acquired during the years 1996-67. All the proceedings under the Land Acquisition Act, 1894 (for short 'the Act') including the payment of compensation and enhanced compensation after an award of the

reference court, attained finality. All the pre-existing rights to title, ownership and possession of the lands in question stood extinguished and vested in the Nuclear Fuel Complex pursuant to the acquisition proceedings and all the earlier owners of the lands acquired stood divested of all rights and title to these properties.

It would however appear that one M. Ram Reddy son of M. Papi Reddy continued in the possession of an extent of land in survey Nos. 220 and 221. It is stated by the learned Government Pleader for Land Acquisition at the admission hearing today that M. Ram Reddy had filed a suit claiming prescriptive title to the lands he was in continued occupation of on the basis of his long, continuous and uninterrupted possession adverse to the State and the Nuclear Fuel Complex. In the public interest and with a view to avoid protracted litigation, the State Government is stated to have issued the G.O. in favour of the legal representatives of M. Ram Reddy viz., M. Shyamala and her sons withdrawing the acquisition notification to the extent of the lands under the occupation of M. Ram Reddy, on collecting market value from him and his legal representatives, for such lands.

Seeking identical and similar benefits, others claiming to be joint family members of M. Ram Reddy, petitioned

the State government. These representations were rejected. One of such claimants filed W.P.No. 24641 of 2005 seeking benefits similar to those granted by the G.O. This writ petition was dismissed. The decision was canvassed in W.A.No. 2335 of 2005. The appeal was also dismissed as also the petition for Special Leave to Appeal (Civil) No. 1470 of 2006.

Quoting the aforementioned facts including the unsuccessful campaign of another person claiming similarity with one Ram Reddy, which ended unsuccessfully, the impugned order has been passed declining relief to the petitioner.

The petitioner has neither pleaded, demonstrated or established that his circumstances are identical to those of M. Ram Reddy and warrants extension of equal treatment to him. As stated by the learned Government Pleader for Land Acquisition, the State Government had issued G.O. in the year 2002 in favour of M. Ram Reddy in the circumstances specified in the said G.O. More than three years later, a representation is made in February, 2006 by the petitioner seeking identical treatment. For the elaborate and cogent reasons recorded in the impugned memo, the petitioner's claim has been rejected. This court finds no legal foundation for grant of Mandamus. The

petitioner has not established any case of hostile discrimination, warranting issuance of any relief in this writ petition. The writ petition is misconceived and is accordingly dismissed, at the stage of admission. No costs.

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GODA RAGHURAM, J

Dated:13-09-2006
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